



### **What are instructional materials?**

For purposes of state adoption, “instructional materials” means:

Items having intellectual content that by design, serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. A publisher or manufacturer providing instructional materials as a single bundle must also make the instructional materials available as separate and unbundled items, each priced individually. Any instructional materials adopted after FY 2012-13 for students in grades nine through 12 must also be provided in an electronic format. The term “instructional materials” does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.<sup>1</sup>

Instructional materials generally include textbooks, workbooks, library books and media materials, laboratory materials, computer software, videos, and tapes.<sup>2</sup>

### **How are instructional materials funded?**

Funding for instructional materials is provided annually in the General Appropriations Act. The following table shows instructional materials funding history:

<sup>1</sup> Section 19, ch. 2010-154, L.O.F., amending s. 1006.29(4), F.S.

<sup>2</sup> See *id.*

<b>Instructional Materials Funding History</b>	
<b>Fiscal Year</b>	<b>Amount (millions)</b>
1997-98 <sup>3</sup>	\$158.6
1998-99 <sup>4</sup>	\$183.9
1999-00 <sup>5</sup>	\$193.7
2000-01 <sup>6</sup>	\$192.1
2001-02 <sup>7</sup>	\$213.5
2002-03 <sup>8</sup>	\$227.9
2003-04 <sup>9</sup>	\$227.9
2004-05 <sup>10</sup>	\$234.4
2005-06 <sup>11</sup>	\$247.9
2006-07 <sup>12</sup>	\$266.7
2007-08 <sup>13</sup>	\$266.4
2008-09 <sup>14</sup>	\$253.9
2009-10 <sup>15</sup>	\$246.4
2010-11 <sup>16</sup>	\$216.9

<sup>3</sup> Specific Appropriation 108, s. 2, ch. 97-152, L.O.F.

<sup>4</sup> Specific Appropriation 119, s. 2, ch. 98-422, L.O.F.

<sup>5</sup> Specific Appropriation 112, s. 2, ch. 99-226, L.O.F.

<sup>6</sup> Specific Appropriation 80, s. 2, ch. 2000-166, L.O.F.

<sup>7</sup> Specific Appropriation 120, s. 2, ch. 2001-253, L.O.F.; specific appropriation 65, s. 2, ch. 2001-367, L.O.F.

<sup>8</sup> Specific Appropriation 106, s. 2, ch. 2002-394, L.O.F.

<sup>9</sup> Specific Appropriation 60, s. 2, ch. 2003-397, L.O.F.

<sup>10</sup> Specific Appropriation 83, s. 2, ch. 2004-268, L.O.F.

<sup>11</sup> Specific Appropriation 75, s. 2, ch. 2005-70, L.O.F.

<sup>12</sup> Specific Appropriation 93, s. 2, ch. 2006-25, L.O.F.

<sup>13</sup> Specific Appropriation 89, s. 2, ch. 2007-72, L.O.F.; specific appropriations 36 and 36A, s. 2, ch. 2007-326, L.O.F.; specific Appropriation 31, s. 2, ch. 2008-1, L.O.F.

<sup>14</sup> Specific Appropriation 82A, s. 2, ch. 2008-152, L.O.F.; specific appropriation 44, s. 2, ch. 2009-001, L.O.F.

<sup>15</sup> Specific Appropriations 5A, s.1, and 76, s. 2, ch. 2009-81, L.O.F. Funding for FY 2009-10 includes \$30.3 million for education technology from the federal American Recovery and Reinvestment Act of 2009 appropriated through the state's 2009-10 General Appropriations Act. The Department of Education (DOE) is directed to implement a technology grant program for school districts to demonstrate the use of technology in teacher professional development and student instruction in science, technology, engineering, and mathematics (STEM) content areas. The student portion should incorporate the use of classroom laptops and personal learning devices that are mobile and able to extend learning beyond the classroom day. The teacher portion should combine the use of laptops and personal learning devices and should include the development and delivery of professional development linked to the newly adopted math and science standards. Specific Appropriation 100, s. 2, ch. 2009-81, L.O.F.; *see also* American Recovery and Reinvestment Act of 2009, Public Law 111-5.

<sup>16</sup> Specific Appropriations 6, s.1, and 78, s. 2, ch. 2010-152, L.O.F.

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***Does a school district have any flexibility in the use of these funds?***

A school district must use at least 50 percent of the funds allocated for instructional materials to purchase instructional materials on the state-adopted list.<sup>17</sup> The remainder of the funds may be used to purchase instructional materials *not* on the state-adopted list and must be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit or package form and may include hardbacked and softbacked textbooks, electronic content, and replacements for items that were previously purchased instructional materials and other commonly accepted instructional tools as prescribed by district board rule.<sup>18</sup> A school district may also use the funds for the repair and renovation of textbooks and library books.<sup>19</sup>

One hundred percent of the state instructional materials funds used for kindergarten and 75 percent of the state instructional materials funds used for 1st grade may be spent to purchase materials that are not on the state-adopted list.<sup>20</sup>

Funds allocated to purchase instructional materials not on the state-adopted list may not be used by a school district to purchase electronic or computer hardware even if such hardware is bundled with software or electronic media unless the district school board has determined there is an urgent need to provide such hardware for student instruction,<sup>21</sup> nor may the funds allocated be used for equipment and supplies.<sup>22</sup>

***What is the state's adoption schedule for instructional materials?***

The Commissioner of Education annually selects and adopts instructional materials, which are added to the state-adopted list for use in the public schools. The commissioner adopts instructional materials according to a 6-year rotating schedule. However, the commissioner may approve terms of adoption of less than six years for materials in content areas which require more frequent revision.<sup>23</sup> The Department of Education (DOE) annually publishes an official schedule of subject areas calling for adoption for each of the succeeding two years, and a

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<sup>17</sup> Florida Department of Education, Bureau of Curriculum and Instruction, *Catalog of State Adopted Instructional Materials*, [http://www.fldoe.org/bii/instruct\\_mat/catalog1.asp](http://www.fldoe.org/bii/instruct_mat/catalog1.asp) (last visited Aug. 25, 2010).

<sup>18</sup> Section 21, ch. 2010-154, L.O.F., amending s. 1006.40(4), F.S.

<sup>19</sup> Section 1006.40(3)(a) and (b), F.S.

<sup>20</sup> Section 1006.40(3)(c), F.S.

<sup>21</sup> If a school district finds and declares in a resolution adopted by the district school board that the funds received for student transportation, safe schools, supplemental academic instruction, research-based reading instruction, and instructional materials are urgently needed to maintain academic classroom instruction, the school board may amend the school district's operating budget transferring the categorical funds to the appropriate account for expenditure. The expenditure of funds for instructional purchases may only occur if the school district has purchased all of the instructional materials necessary to provide updated materials aligned to the Next Generation Sunshine Standards for that fiscal year, but purchases may not be made before March 1, 2011. The funds available after March 1, 2011, may be used to purchase hardware for student instruction. Section 25, ch. 2010-154, L.O.F., amending s. 1011.62(6)(b)5., F.S.

<sup>22</sup> Section 21, ch. 2010-154, L.O.F., amending s. 1006.40(4), F.S.

<sup>23</sup> Section 1006.36(1), F.S.; *see also* Florida Department of Education, *Adoption Overview*, [http://www.fldoe.org/bii/instruct\\_mat/imaover.asp](http://www.fldoe.org/bii/instruct_mat/imaover.asp) (last visited Aug. 25, 2010).

tentative schedule for years three through six. Under extenuating circumstances the commissioner may direct DOE to add one or more subject areas to the official schedule.<sup>24</sup>

<b>INSTRUCTIONAL MATERIALS ADOPTION SCHEDULE<sup>25</sup></b>	
<b>YEAR</b>	<b>SUBJECT</b>
2007-08	Reading
2008-09	Language Arts
2009-10	Mathematics
2010-11	Science
2011-12	Social Studies
2012-13	Reading and Language Arts, K-5, including ESOL World Languages Career and Technical Education <sup>26</sup>
2013-14	Reading and Language Arts, 6-8, including ESOL Visual and Performing Arts Career and Technical Education
2014-15	Reading and Language Arts, 9-12, including ESOL
2015-16	Mathematics Career and Technical Education

***What is the state’s adoption process for instructional materials?***

DOE writes and publishes specifications for new instructional materials. Before each subject area adoption, DOE publishes content specifications for each of the subjects up for adoption. These specifications detail the courses for which materials are sought, plus the standards the materials must meet.<sup>27</sup>

DOE solicits bids for instructional materials. In the early spring of the adoption year, DOE advertises<sup>28</sup> a request for sealed bids or proposals from publishers of instructional materials. A publisher responding to the bid must submit samples of the instructional materials to DOE.<sup>29</sup>

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<sup>24</sup> Section 1006.36(2), F.S.

<sup>25</sup> Florida Department of Education, Bureau of Curriculum and Instruction, Office of Instructional Materials, List of Instructional Materials Adoptions, 2005-2006 through 2010-2011, [http://www.fl DOE.org/bii/instruct\\_mat/](http://www.fl DOE.org/bii/instruct_mat/) (last visited Aug. 25, 2010) and Florida Department of Education, *Florida Instructional Materials For Adoption Years 2010-2011 Through 2015-2016*, (Jan. 7, 2010), available at [http://www.fl DOE.org/bii/Instruct\\_Mat/pdf/cycle.pdf](http://www.fl DOE.org/bii/Instruct_Mat/pdf/cycle.pdf).

<sup>26</sup> State instructional materials committees evaluate Career and Technical Education subjects, such as business, management, and administration; science, technology, engineering, and mathematics; and information technology every three years so that the instructional materials used in these courses are up to date with new technologies. Florida Department of Education, *Florida Instructional Materials For Adoption Years 2010-2011 Through 2015-2016*, (Jan. 7, 2010), available at [http://www.fl DOE.org/bii/Instruct\\_Mat/pdf/cycle.pdf](http://www.fl DOE.org/bii/Instruct_Mat/pdf/cycle.pdf).

<sup>27</sup> Sections 1006.33(1) and 1001.10(6)(o) and (p), F.S.; see also Florida Department of Education, Bureau of Curriculum and Instruction, Office of Instructional Materials, *Policies & Procedures for the Florida Instructional Materials Adoption*, (Jan. 29, 2010), available at <http://data.fl DOE.org/instmat/downloads/2010p&p.pdf>.

<sup>28</sup> The advertisement must state that beginning FY 2010-11, each bidder must furnish electronic specimen copies of all instructional materials submitted. Any district school superintendent who requires samples in addition to the electronic format must request those samples through DOE.

<sup>29</sup> Section 1006.33(1)(a) and (b), F.S.

Current law requires a publisher to disclose the authors of the instructional materials and to keep the materials revised, free from all errors, and up-to-date.<sup>30</sup>

When all bids have been considered, the commissioner selects and adopts, from the list recommended by the state instructional materials committees as “suitable, usable, and desirable” instructional materials for each grade and subject field in the public elementary, middle, and high school curriculum in which adoptions are made and in the subject areas designated in the advertisement.<sup>31</sup>

### ***What are state instructional materials committees and what are their responsibilities?***

The state instructional materials committees evaluate instructional materials submitted by the publishers and, in accordance with selection criteria developed by the commissioner and curricular objectives included within the applicable performance standards provided for in the Next Generation Sunshine State Standards, recommends to the commissioner instructional materials for use in schools.<sup>32</sup>

Each school year, but no later than April 15, the commissioner appoints and convenes state instructional materials committees composed of persons actively engaged in teaching or in the supervision of teaching in public elementary, middle, or high schools and representing the major fields and levels in instructional materials are used and, in addition, lay citizens not professionally connected with education.<sup>33</sup> The committees receive training in competencies related to the evaluation and selection of instructional materials.<sup>34</sup>

Each committee is composed of at least 10 members and at least 50 percent of the members must be classroom teachers who are certified in an area directly related to the academic area or level being considered for adoption. Two members must be laypersons, one member must be a district school board member, and two members must supervise teachers.<sup>35</sup> The committees must reflect broad demographic diversity and balanced geographic representation.<sup>36</sup> District school officials, professional and educational associations, and civic organizations may nominate persons for appointment to serve on the committees.<sup>37</sup> Each committee member must sign an affidavit to the effect that he or she will faithfully discharge the duties imposed as a committee member and that he or she has no interest with any publishing company.<sup>38</sup> No member may serve more than two consecutive terms on any committee and all appointments are for 18-month terms.<sup>39</sup>

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<sup>30</sup> Section 1006.38(8) and (15), F.S.

<sup>31</sup> Section 1006.34(2)(a), F.S.

<sup>32</sup> Section 1006.31(4) and (5), F.S.

<sup>33</sup> Section 1006.29(1), F.S.

<sup>34</sup> Section 1006.29(1) and (5), F.S.

<sup>35</sup> Section 1006.29(1)(a), F.S.

<sup>36</sup> Section 1006.29(1)(b), F.S.

<sup>37</sup> Florida Department of Education, *State Instructional Materials Committee*, [http://www.fldoe.org/bii/instruct\\_mat/simcov.asp](http://www.fldoe.org/bii/instruct_mat/simcov.asp) (last visited Aug. 27, 2010).

<sup>38</sup> Section 1006.30(1) and (2), F.S.

<sup>39</sup> Section 1006.29(2)(a), F.S.

## **What are a school district's duties with regard to instructional materials?**

School districts review state-adopted instructional materials and select those that they wish to use in their local schools. State-adopted instructional materials are available for purchase beginning April 1 of the year following adoption.<sup>40</sup> Each publisher is required to maintain a depository in Florida for the in-state distribution of instructional materials to school districts from the depository. Publishers choosing not to establish their own depository in Florida routinely contract with the Florida School Book Depository.<sup>41</sup>

A district school board must provide each student with adequate instructional materials<sup>42</sup> for core courses in mathematics, language arts, science, social studies, reading, and literature.<sup>43</sup> Within the first 2 years of the 6-year schedule, a school district superintendent must purchase instructional materials to provide each K-12 student with a current textbook or other instructional material as a major tool of instruction for these core courses.<sup>44</sup> The superintendent must keep adequate records and accounts<sup>45</sup> and must notify DOE by April 1 of each year concerning:

- ❖ State-adopted instructional materials that are requisitioned.<sup>46</sup>
- ❖ The school district's instructional materials plan used to determine that adequate instructional materials are requisitioned.<sup>47</sup>

A school principal is responsible for:

- ❖ Assuring that instructional materials are used to provide instruction to students.<sup>48</sup>
- ❖ Communicating to parents how instructional materials are used to implement curricular objectives.<sup>49</sup>

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<sup>40</sup> Florida Department of Education, *Adoption Overview*, [http://www.fldoe.org/bii/instruct\\_mat/imaover.asp](http://www.fldoe.org/bii/instruct_mat/imaover.asp) (last visited Aug. 25, 2010); see s. 1006.28(2), F.S.

<sup>41</sup> Section 1006.38(11), F.S.; Florida Department of Education, *Adoption Overview*, [http://www.fldoe.org/bii/instruct\\_mat/imaover.asp](http://www.fldoe.org/bii/instruct_mat/imaover.asp) (last visited Aug. 26, 2010); see s. 1006.37(1), F.S. All materials on the State-Adopted Instructional Materials Catalog must be ordered from the Florida School Book Depository. Florida Department of Education, Bureau of Curriculum and Instruction, State Instructional Materials: Book Depository, [http://www.fldoe.org/BII/Instruct\\_Mat/deposit.asp](http://www.fldoe.org/BII/Instruct_Mat/deposit.asp) (last visited Aug. 27, 2010). The Florida School Book Depository is a private entity and contract agent of the publishers it represents and is only authorized to distribute products and information to customers within Florida. The Florida School Book Depository offers state-adopted instructional materials and instructional materials not on the state-adopted list. Florida School Book Depository, *About Us*, <http://www.floridaschoolbook.com/about.htm#what> (last visited Aug. 30, 2010).

<sup>42</sup> "Adequate instructional materials" means a "sufficient number of textbooks or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature." Section 17, ch. 2010-154, L.O.F., amending s. 1006.28(1), F.S.

<sup>43</sup> Section 1006.28(1), F.S.

<sup>44</sup> Section 1006.37(1), F.S.

<sup>45</sup> Section 1006.28(2)(a), F.S.

<sup>46</sup> Section 1006.28(2)(b), F.S.

<sup>47</sup> *Id.*

<sup>48</sup> Section 1006.28(3)(a), F.S.

<sup>49</sup> *Id.*

- ❖ Selling instructional materials to parents upon request.<sup>50</sup>
- ❖ Accounting for instructional materials and collecting payment from a student or parent for any lost, destroyed, or damaged instructional materials<sup>51</sup> and transmitting all money collected to the school district superintendent for deposit into the district school board fund.<sup>52</sup>

Instructional materials that are unserviceable, surplus, or no longer on state contract may be given to other education programs, teachers, students (including home education students), or any charitable organization, governmental agency, private school, or state. To dispose of instructional materials, a school district may also sell the materials to used-book dealers; recycling plants; pulp mills; or other persons, firms, or corporations. Any money received must be deposited in the district's fund for instructional materials.<sup>53</sup>

***Is a school district required to provide training in the use of instructional materials?***

Yes. By July 1 of each year and before state instructional materials funds are released, a school district's superintendent must certify to the commissioner that the district school board has approved a comprehensive staff development plan that supports implementation of instructional materials programs. The school district must verify that training was provided and that the materials are being implemented as designed.<sup>54</sup>

***Is a school district required to purchase the most current instructional materials?***

Yes. A school district is required to purchase current instructional materials for core courses in mathematics, language arts, science, social studies, reading, and literature for grades K-12. For instructional materials purchased on the state-adopted list, a school district must requisition the materials from the publisher's in-state depository or the Florida School Book Depository. School districts must use at least 50 percent of their state instructional materials funds to purchase materials on the state-adopted list.<sup>55</sup>

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<sup>50</sup> Section 1006.28(3)(c), F.S.

<sup>51</sup> Principals are authorized to collect the full purchase price of instructional materials lost, destroyed, or damaged by a student regardless of the age or condition of the instructional material. The school principal has the authority to suspend a student from participating in extracurricular activities if the debt is not paid or require the student to participate in community service activities to satisfy the debt. Section 1, ch. 2009-222, L.O.F.; s. 1006.28(3)(b), F.S.

<sup>52</sup> Section 1006.28(3)(b), (d), and (e), F.S.

<sup>53</sup> Section 1006.41, F.S.

<sup>54</sup> Section 1011.67(2), F.S.

<sup>55</sup> Sections 1006.37 and 1006.40(2)(a), F.S.

***What is a learning management system and what guidelines are provided to school districts implementing a learning management system?***

To ensure that all school districts have equitable access to digitally rich instructional materials, districts are encouraged to provide access to an electronic learning management system that allows teachers, students, and parents to access, organize, and use electronically available instructional materials and teaching and learning tools and resources, and that enables teachers to manage, assess, and track student learning.<sup>56</sup> To the extent that it is fiscally and technologically feasible, a school district's electronic learning management system should allow for a single, authenticated sign-on and include the following functionality:

- ❖ Searches for, gathers, and organizes specific standards-based instructional materials.
- ❖ Enables teachers to prepare lessons, individualize student instruction, and use best practices in providing instruction.
- ❖ Provides communication, including access to up-to-date student performance data, in order to help teachers and parents better serve the needs of students.
- ❖ Provides access for administrators to ensure quality.<sup>57</sup>

***Where can I get additional information?***

***Florida Department of Education***

Bureau of Curriculum and Instruction  
Office of Instructional Materials  
(850) 245-0425  
[http://www.fldoe.org/BII/Instruct\\_Mat](http://www.fldoe.org/BII/Instruct_Mat)

***Florida House of Representatives***

Education Committee  
(850) 488-7451  
<http://www.myfloridahouse.gov>

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<sup>56</sup> Section 18, ch. 2010-154, L.O.F., *codified at* s. 1006.281, F.S.

<sup>57</sup> *Id.*